

**REMARKS**

**The Prior Art**

The following references were applied in the Action of July 3, 2006.

US 5,204,444 Nakamura et al. (Nakamura); US 5,641,495 Jokura et al. (Jokura).

**Claims Amendments**

Applicants amend the claims to even further distinguish the prior art.

See the specification at pages 21 and 24.

Applicants offer the following remarks on Nakamura.

In Nakamura, an ionic surfactant is a mandatory component. Therefore, when (A) amphiphatic lipid, (B) nonionic surfactant and (C) ionic surfactant are mixed and dissolved, polyhydric alcohols such as glycerin and optional alcohols such as ethanol are necessary. Specifically, polyhydric alcohols such as glycerin and optional alcohols such as ethanol are necessary in order to dissolve the (C) ionic surfactant.

In the present invention, an ionic surfactant is not necessary. Accordingly, when components (A) to (C) and optional (E) sterol compound are uniformly mixed and dissolved, it is not necessary to formulate polyhydric alcohols therein. In this regard A polyhydric alcohol is not a mandatory component in the present invention (see Example 1). In the present invention, polyhydric alcohol is simply used in a secondary manner and is added when necessary. It is not a mandatory component.

As a consequence, depending on whether an ionic surfactant is necessary or not, the preparation methods involved are different.

Thus, the preparation method of the present invention is different from that in Nakamura.

AMENDMENT UNDER 37 CFR §1.114 (C)  
U.S. APPLICATION No. 09/848,225

It is not believed that Jokura is relied upon for any method teaching.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

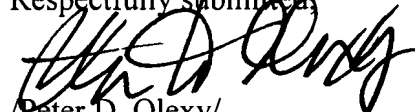
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